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Brian Stiltner

Sacred Heart University, [stiltnerb@sacredheart.edu](mailto:stiltnerb@sacredheart.edu)

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## **Morality, Religion, and Public Bioethics: Shifting the Paradigm for the Public Discussion of Embryo Research and Human Cloning**

BRIAN STILTNER

Public ethics bodies play a major role in the development of public policies that govern scientific research and health care.<sup>1</sup> Their tasks include weighing the ethical ramifications of forms of research, educating the public about the research and its likely benefits, and recommending directions for institutional practices and legal policies. Much debate about public ethics bodies has concerned the mode and level of their ethical reasoning. Should public ethics bodies develop substantive moral arguments on issues that are subject to widely divergent moral and religious interpretations, such as the status of the human embryo? To develop such arguments would, of course, require ethics panels to consider the ethical and philosophical arguments about the status of the embryo as well as arguments about the dignity of the human person, the symbolic and social value of procreation, and so on. Is this something we should expect ethics panels to do?

The question can be framed thus: Should public bioethics committees develop substantial moral arguments or make only procedural arguments about the competing interests involved? Ethics bodies wrestling with these controversial questions face a quandary: To what extent and in what way should they attend to the pluralism of moral and religious views in society? If an ethics body is sensitive to such views, even the most common ones expressed in the society, and seeks to rely on them for insight, it will have a difficult time drawing these multiple threads into a unified conclusion that can speak to all citizens. Yet if the ethics



body limits its engagement with moral and religious views in the hopes of delivering clear recommendations acceptable to a broad public, it runs the risk of antagonizing various interest groups and perhaps a large segment of the public who expect to see the report firmly grounded in moral or religious principles or both.

To explore this question, this chapter considers how moral and religious arguments were employed in the reports of two bioethics committees: the 1994 report of the Human Embryo Research Panel (HERP) and the 1997 report on human cloning of the National Bioethics Advisory Commission (NBAC). Through a reading of the ethical sections of the HERP report, I will explore the tensions between the substantive and procedural modes of ethical argument. Although the HERP commendably developed an ethical framework to guide its policy recommendations, its framework is pulled between the competing demands of the two forms of argumentation. The panel hoped to avoid the policy-making stalemate it thought would occur if it put forth a substantive argument concerning the moral status of the human embryo. Its thought was that such an argument would then be contested by citizens opposed to embryo research for substantive reasons, and there would be no way to resolve these differences in a political forum. In my view, not only does this strategy not work, but the report displays the panel's confusion about the kind of argument it was making. Indeed, the panel makes substantive arguments about the embryo, but wants to keep these arguments immune from the contest of substantive debate.

After discussing the HERP report I will consider the NBAC's exploration of religious arguments about cloning. The commission exhibits far less skittishness than the panel about engaging substantive arguments; indeed, it explores religious traditions as sources of insight for the policy debate. Yet the same problem is evident in the NBAC report: The commission does not make clear what role these particular moral arguments should play in policy formation, nor does it persuasively connect these arguments to its own recommendations, which take a largely procedural tack. Both reports are hampered by an outlook that seeks to constrain public bioethics either to procedural arguments alone or to a certain kind of substantive argument that tries not to rely on any particular moral or religious worldviews.

I will argue that it is misguided to drive a wedge between substantive and procedural modes of argument, since they have a natural and necessary connection to each other and tend to work best in conjunction. As an alternative to the two committees' approaches to public policy, I outline a different model—a common good approach to policy formation in which procedural and substantive argument each have a place. I suggest that public ethics bodies can use religious arguments and perspectives as a legitimate resource for policy making in four ways: by reflecting back the arguments and values that citizens use in making up their minds on issues, by showing how religious considerations would support or undermine



various policy options, by appreciating that religious groups play an important political role both when they challenge a reigning social consensus and when they support it, and by envisioning concrete roles for religious organizations in the public debate.

In the common good model, particular religious and moral traditions are seen as potential contributors to public debate instead of divisive voices to be excluded. To develop such a model is by no means simple. In general, this model would pluralize and broaden policy discussions extensively; it views bioethics committees less as definitive decision-making bodies and more as the generators and synthesizers of a wider public debate. This process of policy formation will be slower and more chaotic than other options; yet in the long term it is likely to be both more effective and more beneficial to the public good.

### **The double-bind of the Human Embryo Research Panel**

The HERP was charged with sorting through the scientific, therapeutic, and ethical questions associated with federal funding of research in preimplantation human embryos. Harold Varmus, the director of the National Institutes of Health (NIH), asked the panel to assess the types of research that should and should not be acceptable for federal funding and to propose any warranted guidelines for research beyond those already in place.<sup>2</sup> The HERP's charge was thus fairly focused both as to the scientific subject matter (research on the preimplantation human embryo) and as to the scope of guidance sought (in what forms and under what conditions such research could be funded).

The HERP report makes sure to note the limited scope of the charge; in particular, research with in utero fetuses and fetal tissue transplantation were outside the panel's scope, for these matters are already forbidden federal funding.<sup>3</sup> At the same time, "Panel members were given wide latitude in identifying the specific issues and questions that needed attention and the approach they would take in analyzing and addressing them."<sup>4</sup> Therefore, while commentators should resist criticizing the HERP for not addressing issues outside its purview, they may justifiably criticize or praise the ethical, political, and scientific framework by which the panel analyzes the issues, for these were matters of the panel's choosing.

My interest here is with the ethical framework that underlies and justifies the HERP's recommendations and how that framework is thought to relate to the broad range of moral views in the United States. The panel identifies three major ethical considerations under which it finds certain forms of preimplantation embryo research acceptable.<sup>5</sup> First, the prospect of significant scientific and therapeutic benefits provides a strong reason to pursue and fund promising areas of research. Second, the human embryo "warrants serious moral consideration as a developing form of human life," but, as its moral status is not on par with an in-



fant or adult, this consideration should guide and limit embryo research rather than ban it altogether. Third, because embryo research will occur with or without federal funding, it is better that the government involve itself by providing funding, to which it may then attach conditions and restrictions.

What are the theoretical justifications for these ethical considerations? The fundamental goods the HERP seeks to promote are (1) human health, to be achieved especially through the correction of diseases and the removal of impediments to physiological functioning; and (2) personal autonomy, to be facilitated by ensuring informed consent in research, protecting patients from unwarranted health risks, and promoting procreative liberty. Hence, we notice a primary stress on individual rights and well being. These goals are advanced in a public policy framework that is largely consequentialist: It involves weighing benefits against risks and then determining the policy that will produce the best overall balance of results. The framework is not thoroughly consequentialist, for sharp boundaries are set by individual rights (the rights of bodily safety and procreative liberty are strong in this framework), while softer limits are set by public sensitivities over such matters as the moral status of fetuses, the nature of families, and the integrity of procreation. Communal needs have only a weak role in this framework; they appear most notably through the concern for public sensitivities. The public's health stands in the background of the whole analysis, for the advances made through research can potentially benefit any member of society. Yet all of these claims about communal goods are weakly defended, if at all. No attention is given to such issues as the just distribution of health care resources, what the nation's research priorities should be, how embryo research might improve the health and well-being of children and families as a whole (rather than as individuals), and how the public can become further involved in these deliberations.<sup>6</sup>

Having examined the general ethical framework of the HERP report, let us look at how it handles particular moral viewpoints. Several important ethical issues are implicated in such research, including the protection of human subjects, the right of reproductive liberty and its scope, the aspirations and well-being of infertile couples, the needs of persons with genetic illnesses, justice in the distribution of medical resources, and many others. Yet by far the most sensitive and contentious issue the HERP had to face was the moral status of the human embryo. The American public exhibits a wide range of ethical opinion on this issue. In light of the strong feelings and organized political support for the pro-life cause, the panel had good reason to fear that its recommendations would be drawn into the political fray over abortion. The panelists tried to avoid this result by the way they went about their task. They maintained a narrow focus on the preimplantation embryo, deferring to existing protocols and laws regarding the post-implantation embryo. Also, they invited and listened to pro-life representatives in their public hearings, perhaps to convey their appreciation that there are strong pro-life concerns about this research.



As can be expected, the panel's desire to sidestep the abortion issue influences its ethical argument. Let us briefly look at the HERP's identification of a principle of moral concern for the human embryo that is worthy of increasing respect over the course of its development. The panel finds problematic many substantive determinations of the embryo's status, namely, those that determine moral personhood according to a single criterion. Single criterion approaches propose one characteristic or power of a human being, possession of which is sufficient for moral personhood and moral protectability.<sup>7</sup> The panel gives the most attention to the criterion of possessing a unique diploid genotype, which a human embryo has once fertilization is complete; this view is more popularly expressed as the conviction that personhood begins at conception. Many other qualities can serve as a single criterion, such as the presence of brain activity, the ability to feel pain, or the possession of well-developed cognitive abilities. The panel briefly describes the conceptual problems that each of these proposed criteria face if established as the sole sufficient criterion for moral personhood.

The panel prefers a second broad approach to establishing moral personhood, a pluralistic one. This approach "emphasizes a variety of distinct, intersecting, and mutually supporting considerations. According to this view, the commencement of protectability is not an all-or-nothing matter but results from a being's increasing possession of qualities that make respecting it (and hence limiting others' liberty in relation to it) more compelling."<sup>8</sup> The HERP uses this framework to affirm all of the previously mentioned qualities and others, too, as relevant to appraising the increasing moral status of the fetus over the course of its development. Moral respect begins minimally with fertilization and increases gradually "until, at some point, full and equal protectability is required." The HERP does not say where that final point is, because it does not need to: For its purposes, the preimplantation embryo clearly does not meet enough criteria to warrant protection against research. Nonetheless, the panel feels that for public policy purposes, some clear line is needed as a time limit after which preimplantation embryo research may not continue. The panel established the time of the appearance of the primitive streak at 14 days as that limit. This characteristic is not a firm marker of moral personhood, but it does mark a new developmental stage, after which neural material (a physical condition for sentience) begins to develop. Based on this ethical factor and other considerations, the HERP settled on the 14 day time limit "as a compromise among competing viewpoints."<sup>9</sup>

Now compare these reflections on the embryo's status with the HERP's stated desire to remain neutral with respect to various views about that status:

Americans hold widely different views on the question of the moral value of prenatal life at its various stages. These views are often based on deeply held religious and ethical beliefs. It is not the role of those who help form public policy to decide which of these views is correct. Instead, public policy represents an effort to arrive at a reasonable accommodation of diverse interests. To the extent possible, it takes into account the diverse moral



sensibilities that exist in the community. Even constitutional reasoning acknowledges the importance of diverse but deeply held views. Public policy employs reasoning that is understandable in terms that are independent of a particular religious, theological, or philosophical perspective, and it requires a weighing of arguments in the light of the best available information and scientific knowledge.<sup>10</sup>

According to this paragraph, the panel wishes to establish bioethical policy with an appreciation of moral diversity, but on the basis of publicly accessible reasons. Is this statement of principle compatible with the argument for moral respect? Can the panel assume a stance of respect for the embryo while remaining neutral about its moral status?

We must first note that the paragraph above is not an aberration. Both in the cover letter to the final report and in its Executive Summary, the HERP claims that it was not called on to adjudicate among competing understandings of the embryo's status and that it did not try to do so.<sup>11</sup> The panel is at pains to make this claim for neutrality. Yet it is undeniable that the HERP's recommendations are guided in large part by its ethical analysis, an analysis that includes an examination and interpretation of competing views of the embryo's status. The panel's ethical judgment, in essence, is that the preimplantation embryo deserves some respect, for it has the potential to acquire the characteristics that will eventually grant it moral personhood; yet it is impossible to specify how much respect, except to say that it is more than no respect at all and something less than the full moral respect due to a (born) person. Beyond this general determination, the HERP believes that it has no special knowledge or authority such that it could ask all Americans to accept its view of the matter. So, indeed, the HERP is *not* refusing to take a stand on the moral status of prenatal life; it is *not* neutral about this matter.

This reading fits with the panel's actual ethical analysis, for the panel makes philosophical arguments about why the single criterion view is inadequate, why the embryo is certainly not a person just after fertilization, and why the appearance of the primitive streak marks a time of increased value of embryonic life. Then what are we to make of the panel's statement, "it is not the role of those who help form public policy to decide which of these views is correct," and its other claims to neutrality? To alleviate the inconsistency, the HERP would have to modify one of its two trains of argument. Either it is making a philosophically grounded, ethical argument about the status of the embryo, judging as it does that some moral arguments are better than others; or it is only engaged in the task of balancing competing interests fairly, having no need to develop an argument that the embryo deserves a measure of moral respect.

Part of the inconsistency can be attributed, no doubt, to the fact that the report was developed by a committee of persons with different expertise and ideas—a common enough occurrence and one on which we need not dwell. Yet I also sense a fundamental lack of clarity on the part of the panel about the very na-



ture of the argument it wants to make. What we find in the report is a mixture of substantive and procedural argument. By "argument" I mean a mode of reasoning that articulates and justifies an opinion on a moral issue and a related mode of discourse that explains such reasoning to others so as to demonstrate that the opinion is justified and could command the others' assent. Let me explain how such arguments operate.

A substantive argument reasons about values and principles and then applies them to the issue at hand, seeking a substantial resolution of the ethical matter. Substantive arguments may work from any number of particular religious and philosophical traditions. For instance, substantive responses to the question of embryo research could be developed from Roman Catholic natural law theory and Catholic teaching regarding the protection of unborn life, from Jewish teachings on medicine and the status of the fetus, from a Biblically based Christian perspective, and from any other religious perspective. Likewise, substantive answers could be derived from the frameworks of liberalism, communitarianism, libertarianism, Marxism, feminism, and many other philosophical schools and traditions. What makes any given approach substantive is the conceptual framework from which it is advanced: if that framework involves comprehensive accounts of human beings and what is of value to them, including nonpolitical goods and values, then that framework is substantive.

An alternative is to eschew the moral questions that are essentially based on particular worldviews and to take a procedural approach to the policy questions. A procedural mode of argument weighs the expected benefits and potential harms for all parties involved and tries to come up with a solution that is just. A strong form of procedural argument holds that questions of justice (how to maximize benefits to the public while being fair to all affected parties) and questions of procedure (whether the decision-making process is democratic and fair) are the only considerations for public ethics bodies.

Where does the HERP report fit? It is clear that the panel marshals ethical considerations in favor of its recommendation to fund some embryo research. Is the form of its ethical argument substantive or procedural? R. Alta Charo, a panel member who unsuccessfully argued in favor of its taking a procedural approach, later termed the panel's method "deductivism," the process of reasoning from an ethical theory—or, better, from philosophical principles that are not beholden to any particular philosophical method—to specific applications. She finds this method flawed:

The usual deductivism of public bioethics is doomed in the absence of an agreed methodology for resolving conflicts among competing ethical theories. Indeed, the deductivist form of public bioethics becomes most useless precisely when it is most needed, i.e., when fundamental principles grounded in faith-based moral systems (e.g. the sacredness of human life) conflict with appeals to empiricism and consensus-based values.<sup>12</sup>



In short, the panel makes an ethical argument that it hopes will not mire it in adjudicating among diverse ethical values—a project Charo thinks is sure to fail.

Charo proposes an alternative method that seeks a purely procedural approach. In what she calls a "political ethics analysis," a public ethics body such as the panel should deem the question of the fetus's status irresolvable in a pluralistic public forum. Rather, it should weigh the interests of "already born members of the population" and ask "whether ethical principles of justice require that one or another of their interests be given preference."<sup>13</sup> A political ethics analysis considers the harms and benefits that are likely to attend different policy options. The weighing will consider medical benefits and harms as well as the emotional and political ramifications on all interested parties. For instance, a committee should be concerned with the pain that will be felt both by infertile couples if fertility research is stymied and by pro-life-oriented citizens if embryo research is approved. In such an analysis, the particular moral viewpoints *do* matter—not to establish a substantive position (the status of the fetus), but because they affect the interests of those who hold them.

The balancing should also consider to what extent the interested parties have access to the means to fight for their viewpoint in the public forum. Political ethics is concerned with the vitality of the political process and fairness to all interested parties; hence, Charo maintains that this approach would give greater deference to the views of those who lack the political strength to defend their interests. In this way, political ethics is quite unlike political pragmatism.<sup>14</sup> With Charo's argument in mind, one can easily see her influence in those passages of the HERP report that abjure taking any stand on the moral status of the embryo. Because the panel did not embrace fully the political ethics approach, however, it exacerbated the sense of indetermination between the two approaches.

Some commentators, while agreeing with Charo that the HERP tried to make a substantive argument and did not succeed, render very different advice to the panel. George Annas, Arthur Caplan, and Sherman Elias believe that the HERP got caught between its need to address the status of the embryo and its desire to avoid becoming a judge of substantive moral viewpoints. In their view, the way out of the bind would have been for the panel to offer a fully developed, substantive moral argument. They write:

The reason the panel's recommendations have been more or less ignored has little to do with its generally reasonable conclusions. Rather, in our view, it is because the panel did not make a persuasive moral case for the conclusions. Unless a strong moral framework is presented that recognizes and addresses the concern of those troubled by the use of human embryos for research, such research is unlikely to gain the political acceptance needed for it to receive federal funding.<sup>15</sup>

For these authors, the panel persuasively made the basic claim that the embryo does not have rights at the moment of conception or during its early de-



velopment. Yet they take issue with the HERP's use of the pluralistic approach, for they find that the panel did not give sufficient argument to make this framework convincing:

[T]hat framework requires a detailed analysis that explains why the particular properties cited confer moral worth, or to what degree each property cited is necessary and sufficient. Without such an underlying rationale, the framework looks like an attempt to rationalize a desired conclusion—namely, that some research on embryos ought to be permitted—rather than to derive a conclusion from an ethical analysis.

... Without knowing why certain properties count, we cannot draw clear boundaries between acceptable and unacceptable types of research. From a pluralistic perspective, we cannot tell whether it is right to prohibit research after the primitive streak appears at 14 days' development. Why should research on older embryos not be allowed, if it would benefit other embryos, fetuses, children, or adults?<sup>16</sup>

Annas, Caplan, and Elias put forth this argument precisely because they want to see valuable research in this area go forward: They believe that the political terrain of abortion is so sensitive that an argument for embryo research has to be carefully disentangled from the abortion debate. That cannot happen unless a "strong" and "persuasive" moral argument is made; moreover, this argument should be one that takes account of citizens' moral qualms and convictions.

Until it is demonstrated that embryos are owed moral consideration, concern about the ethics of research on embryos can be dismissed as "nothing more than fights over symbols." However, such curt dismissals completely fail to respond to the deep moral reservations about such research held by many Americans, including the President. By adopting a bald political compromise on a moral issue, the panel guaranteed that its report would have no effect.<sup>17</sup>

At the end of this quotation, Annas, Caplan, and Elias cite the article in which R. Alta Charo advances her criticism of the HERP report, although it is not clear to what extent they are affirming Charo's analysis. Certainly Charo would not agree that the panel should have made a fuller substantive case for the embryo's status; on this matter she advocates an approach closer to political compromise. Except for their suggestions that the panel needed to display greater sensitivity to those citizens who are troubled by embryo experimentation, these two interpretations of the HERP report stand opposed. Listening to such criticisms, the panelists might well feel, as the old saw puts it, that they were damned if they did and damned if they didn't. Charo criticizes the panel for trying to make a substantive moral argument *at all*; Annas, Caplan, and Elias fault it for not making *enough* of a substantive argument; and various politicians, interest groups, and citizens complain that it made the *wrong* substantive argument. Clearly, the HERP was subject to many expectations and could not have hoped to please everyone, yet the double-bind I have identified—that the HERP wanted to eschew substantive argument but ultimately could not—was of its own making. So what could the panel have done differently?



I suggest that we do not have to choose between the substantive and procedural approaches. Indeed, I doubt that we can. For procedural arguments about justice necessarily depend on a deeper level of substantive reasoning about the persons and the community involved. Debates about justice may *focus* on fairness, but they are never *simply about* fairness. We cannot truly know what it means to be just unless we have some idea about who counts as a member of the community that is trying to set up fair procedures and unless we have some vision of why it matters to be just in the first place. To have some idea about these matters, one has to reason within a substantive ethical framework, or at least be prepared to appeal to one. Certainly not every discussion and debate about justice in our society has to delve into these fundamental questions, but we ought to be aware that procedural arguments ride on the shoulders, as it were, of substantive arguments and agreements.

In arguing about justice and public policies with our fellow citizens, we will often find it unnecessary to appeal to our substantive frameworks. Yet it happens that impasses are reached when all sides know that the source of disagreement lies at the substantive level. At these times, the debate is not advanced by the parties continuing to push their claims about procedural rights. I agree with Annas, Caplan, and Elias that what is needed at these times is not less substantive argument, but more. In the third section, I will develop an approach to public policy that brings together the two approaches in a coherent and mutually strengthening fashion. Before proceeding to that, I will explore in the next section how the NBAC intimates a more promising approach in its report on human cloning by exploring, in much greater depth than does the HERP, substantive ethical and religious perspectives on the technology in question.

### **The more promising approach of the National Bioethics Advisory Commission**

The NBAC's work was similar in many ways to that of the HERP.<sup>18</sup> Both panels held a series of public meetings during which they discussed the general approach they would take to the issue, heard from members of the public and various experts to inform their deliberations, and, through a process of delegated writing, group editing, and voting, produced reports of approximately 100 pages. Similarly to the HERP, the NBAC tried to focus its questions and method of proceeding so that the issue could be effectively addressed. The NBAC chose to focus on the specific question of the propriety of cloning a human being through somatic cell nuclear transfer with the goal of creating a child. Like the HERP, its report contained chapters surveying the scientific, ethical, and policy issues.

There are instructive differences between the two bodies as well. Unlike the HERP, the NBAC also devoted a chapter to religious perspectives on the issue. The NBAC tended to survey a wider variety of pro and con perspectives on the



use of cloning and did not push to come to a definitive resolution of most of the major questions. In large part because the issue of cloning was so new (or at least seemed to be), the NBAC did not feel able or required to make strong policy recommendations. In a way, the commissioners were trying to say: Both the public and experts have not had enough time to think the issue through; therefore, to speak of a public consensus on most of these matters would be premature. At the same time, however, they recognized an operative public consensus on a few fundamental issues: (1) The issue is new and needs to be discussed and investigated further and (2) our lack of knowledge about the safety of cloning indicates that the technology should not be used to create human embryos, especially with the aim of bringing them to term.

In this section, I will argue two points: that the NBAC's engagement with substantive moral frameworks, particularly religious frameworks, makes a fresh and useful contribution to the public debate about cloning, but that the NBAC puts itself in a bind similar to the HERP's by failing to provide a thorough rationale for its ethical recommendations. I will develop these claims by exploring the NBAC's treatment of religious arguments about cloning.

A distinctive feature of the NBAC report, in contrast to reports by the HERP and other public ethics bodies, is that the commissioners devote a chapter to religious perspectives. This chapter, the third in the report and roughly as long as the chapter on ethical considerations that follows it, surveys cautionary and affirmative arguments about human cloning in Western religious traditions. Christianity (both Catholic and Protestant), Judaism, and Islam are the focus of attention, although the commission also looked at Eastern religious views during its research. The NBAC opens this discussion by noting three reasons for investigating religious views at all.<sup>19</sup> First, it is important to look at religious views because these inform many citizens' opinions, and they can be a source of enrichment in the broad public debate. Second, the commission wanted to see if religious reasons overlap with secular reasons and might thereby contribute to a rough social consensus on certain matters. Third, the NBAC realizes that the strength of religious views in opposition to a policy may make that policy unenforceable; hence, there is a practical need for policy makers to know which policies citizens are willing and unwilling to support, and why.

The report goes on to explore at some length broad theological themes in Western religions, such as human beings as creatures of God, responsible dominion over creation, human dignity, and the meaning of procreation. The report presents the range of interpretations given to these themes and applies them to cloning. A complex picture develops. On the one hand, several fundamental beliefs in Judaism, Christianity, and Islam caution against cloning and condemn a variety of motives that would lead to its use. On the other hand, some interpretations within all three religions suggest the possible propriety of the technology for certain reasons and within certain limits. The NBAC summarizes the positive and negative assessments:



Specifically with regard to cloning humans to create children, some religious thinkers believe that this technology could have some legitimate uses and thus could be justified under some circumstances if perfected; however, they may argue for regulation because of the danger of abuses or even for a ban, perhaps temporary, in light of concerns about safety. Other religious thinkers deny that this technology has any legitimate uses, contending that it always violates fundamental moral norms, such as human dignity. Such thinkers often argue for a legislative ban on all cloning of humans to create children. Finally, religious communities and thinkers draw on ancient and diverse traditions of moral reflection to address the cloning of humans, a subject they have debated off and on over the last thirty years. For some, fundamental religious beliefs and norms provide a clear negative answer: It is now and will continue to be wrong to clone a human. Others, however, hold that more reflection is needed, given new scientific and technological developments, to determine exactly how to interpret and evaluate the prospect of human cloning in light of fundamental religious convictions and norms.<sup>20</sup>

The NBAC does not try to show whether some religious arguments are better than others, saying that such assessment would be beyond its competency and purview, but tries rather to understand better (and to help Americans understand better) the diversity of religious views. The commission comes to the conclusion that "the wide variety of religious traditions and beliefs epitomizes the pluralism of American culture. Moreover, religious perspectives on cloning humans differ in fundamental premises, modes of reasoning, and conclusions. As a result, there is no single 'religious' view on cloning humans, any more than for most moral issues in biomedicine."<sup>21</sup>

It is certainly true that there is no single religious view on cloning humans, only various religious views. The NBAC suggests that its proper role is to survey these views, but not to employ them substantially in its own evaluation. The reason, apparently (for the NBAC never says as much), is that such use would put the commission into the difficult and controversial position of judging which religious interpretations of human cloning are best. How can it do that in light of the wide diversity of views within American society and within religious traditions themselves? How can it do that and still respect the right of citizens to hold any religious or irreligious views they wish?

My first approach to this question is to note that the investigation of religious arguments plays a more significant role in the commission's analysis than it admits or perhaps even realizes. Consider its five key recommendations, which are presented in the Executive Summary of the report. The religious views surveyed, especially on the matter of human dignity,<sup>22</sup> certainly contribute to the consensus on caution and the mandate to ensure the safety of children and all human subjects before any research may proceed (recommendation I). The temporary ban on funding recommended by the NBAC (recommendations I and II) fits with religious calls for banning or significant restriction on the use of cloning.<sup>23</sup> Most religious views are supportive of genetic research for the purposes of therapy and basic scientific knowledge,<sup>24</sup> so these views would likely support the narrow purview of such a ban (recommendation III). The NBAC explicitly cites the plu-



ralism of religious and ethical views in its call for a national dialogue (recommendation IV). It is not clear from the chapter on religion whether participation in public dialogue is important to religious groups themselves, yet we may surmise that being able to participate in the public debate matters to those religious groups, scholars, and citizens who make public statements on issues. Finally, the need for more public education about cloning (recommendation V) is mentioned as an activity that religious thinkers support.<sup>25</sup>

The way the NBAC employs religious perspectives corresponds to the rationales for investigating them in the first place. For one thing, religious views can and do enrich the ethical and political discussions about cloning. Religions such as Judaism, Christianity, and Islam bring long-standing theological and legal traditions to bear on biomedical problems. Religious views can supply important overarching visions to the debate: Some generic ones that emerge in the three religions are the sanctity of human life, the value of nature, human responsibility to care for nature, and warnings against human hubris and shortsightedness. To be sure, these visions are not definitive foundations on which to draw up scientific policy, and policy makers must be careful in how they rely on religious arguments in their decisions. Yet these visions can be very valuable just because they present an alternative way of looking at things: They may press into the debate a consideration of values—such as the well-being of vulnerable persons or the quality of society's common good—that have not been given their due in the discussion up to now.

Religious views can also be valuable in their contribution to a broader public consensus, which is the NBAC's second rationale for exploring religion. Here we see that the religious traditions studied, whether they find human cloning unacceptable or potentially acceptable, all raise a basic concern about the safety of human subjects. The NBAC found that this was an ethical consideration that establishes common ground between religious and secular perspectives, as well as between multiple religious perspectives themselves.

The NBAC's third rationale for listening to religious views was that policy makers might better understand the political feasibility of proposed policies. The public dismay that would be caused by government support for a technology such as human cloning is a "social cost" that must be placed in the cost/benefit equation considered by policy makers. The connection to religion is that religious communities might be the locus of strong opposition to particular biomedical policies, as some have proved to be in the past. With this angle in mind, the NBAC concludes that the tenor of religious opinion in the United States moves against human cloning, although this opposition is not monolithic. As far as reception by religious groups is concerned, the NBAC's recommendation for a temporary ban with a sunset provision could be seen as trying to satisfy both clusters of religious opinion—those against and those cautiously for cloning.

The benefits of attending to religion are encompassed, the NBAC believes, in these three rationales. Are these benefits enough, however, to justify the risk and



difficulties that the use of religious arguments entails? The risks I have in mind are those well-worn claims about the problems of achieving consensus in a pluralist society. The fear is that religion is too personal and involves too many non-rational elements to serve as a factor in public deliberation. To avoid the complications and passions that might be aroused by religious rhetoric, many would say that we are best served by keeping public bioethics firmly on publicly accessible, and thus secular, grounds.

We have evidence of this attitude in the HERP report. The NBAC's reluctance to draw explicit connections between its detailed, informative survey of religious views and its recommendations to the President may indicate a similar worry about employing substantive arguments in the public forum, especially arguments that originate in religious frameworks. Yet, of course, religion is not and need not be anathema in politics broadly conceived, in the "public square," if it plays an appropriate role. I think some benefits both procedural and substantive can be seen by the NBAC's attention to religion, although the commission itself only acknowledges the former. The primary procedural benefit is that citizens who rely on religious belief and principles in forming their political and moral opinions will see that there are ways they can connect their reasoning and ideas to the public debate engendered by the report. There is a pragmatic side to this: Religious citizens might feel that their concerns were "heard," were taken at least more seriously than they normally are by public ethics bodies considering sensitive matters. Such reception would be particularly important in mollifying religious opponents of abortion, although I would not say that this should be the reason for attending to religious views.

Going further, we could argue that including religious voices is a boon to democratic deliberation: It models how religious arguments can be thoughtfully and thoroughly explored. Appreciative understanding of another's opinion is requisite for a genuine dialogue to occur. Such understanding has proved hard to attain in the sensitive areas in which religion and politics have mixed in recent years. The NBAC report shows its readers that it is possible to talk about religion as part of policy-oriented debates and to do so civilly.

Claiming these procedural benefits is not controversial, but identifying substantive benefits might be. To claim that there is a substantive benefit entails, at the least, that including religious perspectives improves the quality of argument in the report. A stronger claim is that religious opinions bring to the table some ethical and political arguments and values that would not otherwise receive sufficient consideration. To many readers, it may sound far-fetched to make such claims for the NBAC report. After all, how differently would the report read if the chapter on religious perspectives was not there at all? I believe the answer is "not much differently."

The NBAC would not have offered substantially different arguments and recommendations had it not considered religious views as thoroughly as it did. This is not to say that the consideration of religious views had no impact on its de-



liberations, but to suggest that the consideration of religion confirmed rather than significantly challenged the commission's ethical and policy analyses. Some substantive moral values encountered in the religious chapter, especially human dignity, seem to have shaped the commission's recommendations for caution and a temporary ban by confirming and supporting an analysis it made on secular grounds. This confirmation is not unimportant, yet the NBAC is so restrained in employing its investigation of religion that the chapter's impact on the report is negligible. The NBAC barely begins to draw on the rich insights that could be derived from a theological concept of human dignity in distinction to a philosophical concept. The NBAC lays out the religious perspectives in the manner of "on the one hand . . . on the other hand," making hardly any attempt to show how citizens might actually work with these diverse religious opinions and think their way through them. The chapters on ethics and public policy lay out similar sets of pro and con arguments, but in these instances the NBAC uses the differences to present some of its own considered interpretations and conclusions. Thus, the report is unbalanced. Religious perspectives are given a central place, but their implications are not worked out in any detail. Courtney Campbell, who prepared for the NBAC a commissioned paper on religious views of cloning, holds up a similar criticism of the commission's attention to religion: "My own sense," Campbell writes, "is that, in the NBAC hearings, the contributions of religious perspectives were deemed politically important and ethically insignificant."<sup>26</sup>

The NBAC began to demonstrate a constructive way of involving religion in public policy discussions. Its report goes a few steps down a more promising path, but does not carry its use of religious perspectives to an effective conclusion. What I am asking of public ethics bodies—and it is a tall order, I admit—is that they be open to discussing religious perspectives on the issues at hand and strive to make religious insights operative throughout their analyses and recommendations. How they can do so within the domain of a pluralist, democratic polity will be the focus of my final section, in which I will sketch a common good model for forming public policy. Continuing to focus on the areas of embryo research and human cloning, I will say more about the use by public ethics bodies of procedural and substantive moral arguments and of religious discourse as a form of substantive argument. What follows might be taken as general suggestions for how to develop the work started in the NBAC report.

### **A common good approach to policy formation**

Recall that my purpose has been to find the best model of public discourse, one that befits a democratic, pluralist culture and can help the discussants move closer to the political common good in ways appropriate to the topic they are debating



and deciding. The common good means a beneficial way of life for a society and its members; more specifically, it refers to the social conditions that improve citizens' well-being and help them live together peaceably. I am convinced that the common good remains a viable goal for a liberal democracy and an accurate way to describe what any instance of politics should ultimately be about.

Fundamentally, citizens of a political society seek to have a good life together. When we specify that the society is a liberal society, we are saying that certain limitations have been placed on the public's pursuit of the common good out of respect for the goods of personal autonomy and the diversity of human thought. When we specify that the society is democratic, we mean that there are certain political structures and methods through which the common good should be pursued. Both of these qualifications can be incorporated into the classical theory of the common good to keep it relevant and workable in modern societies.<sup>27</sup>

Understandably, the fact that citizens in a liberal democracy hold a variety of religious and moral viewpoints presents a challenge to identifying and pursuing a common good, at least in the substantive sense that the common good picks out shared ideals of the good human life, shared virtues and values. Charo is responding to this challenge when she proposes that public bioethics should focus on procedures that will achieve fair, just, and democratic decisions. I think she has one piece of the solution. Fair procedures and the resulting decisions are certainly part of society's commonweal, although in this case they are the procedural elements of the common good. Some would propose that the common good for a pluralist, democratic society is to be understood only as a procedural common good. As I have suggested in discussing both the HERP and the NBAC reports, I do not believe we have to choose between procedural and substantive discussions of policy issues or, by extension, between a procedural and a substantive common good. Rather, I hope to show that the two forms of argument need to work together because of their intrinsic connections and, moreover, that the right use of substantive argument can strengthen the practice of public bioethics.

What needs to be acknowledged from the outset is that we cannot avoid substantive argument in the political arena. The presumption that we can leads to facile claims, as when Steed Willadsen, a cloning researcher who works at St. Barnabas Hospital in East Orange, NJ, says, "The fact is that, in America, cloning may be bad but telling people how they should reproduce is worse. . . . America is not ruled by ethics. It is ruled by law."<sup>28</sup> His claim is simply incoherent, for an ethical framework undergirds our law, and implicit in our political policies are ethical assumptions. If our society is to think through the cloning issue adequately, we must engage the ethical foundations of our law, the ethical assumptions of current policies regarding medicine and research, and the ethical implications of any proposed policies. We should not rule out any views just because they may be characterized as religious, ethical, or particular to the thinking and traditions



of a particular subcommunity within society. The mistake is to think that there is some purely neutral ground on which scientific policy can be created.

A related aspect of our political culture is that citizens do use substantive moral and religious beliefs to come to their political decisions. Therefore, it is appropriate for public ethics bodies to make correlations between the arguments they employ and those that are represented in the society at large. I do not mean that ethics bodies have to use only arguments that can be found in the wider culture or that they have to fit their reasoning to someone else's; I simply mean that they will do the public a service by locating their arguments within the context of the ethical, religious, and technical arguments that are commonly found in the public forum. The NBAC did something to this effect by surveying religious and ethical perspectives, but it should have taken the additional step of showing where it found those perspectives compelling in its own reasoning. (This use of religious perspectives goes beyond the position attributed to commissioner Thomas Murray in a news story, that the NBAC's task was not to decide the validity of ethical arguments, but simply to reflect the public's concerns in its report.<sup>29</sup>) By listening to diverse ethical arguments, giving them expression in their reports, and engaging them as worthy of response, public ethics bodies might contribute to a less antagonistic relationship between themselves and oppositional members of the public. These actions might help some citizens and groups feel less alienated and show them that their participation is welcome. Here the procedural dynamic comes into play: A fair, open, and just process requires giving ample room to diverse and dissenting voices.

I hold as central to a common good approach the claim that substantive moral and religious viewpoints can be used as a resource in public bioethics. This use can be justified in several ways. First, we can identify the positive contributions that religious citizens and groups do in fact play in public life. Second, we can note that substantive viewpoints do not pose the same difficulties at every level of politics: Judges and elected officials, acting in their official duties, need to exercise care to base their decisions on reasons that citizens could find reasonable. At lower levels of political authority, though, the room for multiple rationales and discourses increases, opening the door for both citizens and politicians to rely on religious beliefs and arguments in making their cases in the public square. This reliance is legitimate within a liberal democracy.<sup>30</sup> The third and most robust argument for religion's role in politics would involve drawing out the ethical and religious aspects of American political culture and of liberal democracy itself. Such a discussion would, however, take us too far afield.

Central to an argument that seeks a principled role for religion in a liberal democratic society is the one I have been making: Substantive and procedural arguments have a necessary connection in that procedural arguments rely on a more fundamental substrate of substantive arguments and agreements in a community. Agreements—and even most disagreements—about justice depend on



tacit and deep-seated cultural agreements on matters of the good such as duties, values, and virtues. Michael Walzer illuminates this relationship when contrasting moral maximalism, the "thick" morality of groups, with moral minimalism, the "thin" appeal to universal concepts such as justice, fairness, and truth telling. Walzer writes: "It is popular these days to think of the minimum in procedural terms—a thin morality of discourse that governs every particular creation of a substantive and thick morality. . . . Minimal morality consists in the rules of engagement that bind all the speakers; maximalism is the never-finished outcome of their arguments."<sup>31</sup>

This proposition is flawed, however, for two reasons. First, the procedural rules that make the pursuit of the common good possible in a democracy are already quite thick—they are not something timeless, given in our nature and shared by all cultures, but they are actually "a way of life," a product of our particular political history.<sup>32</sup> Second, the proposition gets the order backwards: It suggests that the procedures logically and chronologically precede the development of a substantive morality, when in fact a society requires a substantive morality as the context in which any rules of engagement can be developed. Walzer's general picture of how thick (substantive) and thin (procedural) moralities are related is this: Cultures and their members at any given point find themselves in possession of a substantive morality; from this thick morality they can distill out a thinner, procedural morality as circumstances require. Thin morality is needed for a variety of reasons: Among other things, it facilitates conversation in pluralistic and cross-cultural contexts. The point I take from Walzer's argument is that procedural morality is a tool we can use effectively in a democracy, but we deceive ourselves if we think that it is all we have. We need to remind ourselves of the richer moral traditions and commitments to which we have access. As Annette Baier puts it, speaking of the component of thin morality known as rights: "Rights are only the tip of the moral iceberg, supported by the responsibilities that we cooperatively discharge and by the individual responsibilities that we recognize, including responsibilities to cooperate, in order to maintain such common goods as civilized speech and civilized ways of settling disputes. For it takes more than rights to settle disputes about rights."<sup>33</sup>

If this picture of procedural morality riding on the shoulders of substantive agreements is accurate, then policy making must pay more attention to citizens' religious and moral beliefs and the ways these support or challenge a liberal society's working consensus on a procedural morality. When debates about justice and rights come to an impasse, the only way through may be to broaden the scope of the public conversation rather than narrow it. In sum, public bioethics committees should hold substantive and procedural arguments together by surveying the many religious and ethical perspectives that inform public debate (as the NBAC did), taking firm stands on the ethical arguments (as the HERP did), and defending those positions in the court of competing arguments (which neither



committee did in any depth). Since these committees speak for the public, they should show significant engagement with the multiple perspectives found in the society at large. Such use is procedurally fair when it is wide and representative; it is substantive when those perspectives influence the deliberations and conclusions of the committee.

My final task is to explain in more detail the most controversial part of this argument: a public ethics body's use of *religious* perspectives and arguments to shape its deliberations and conclusions. Certainly there are inappropriate ways of doing this; let me identify four appropriate ways to use religious views. First, these bodies should attend to the importance of religion in the deliberations of citizens. That is, they should help the public and policy makers recognize that religious traditions constitute a resource that informs ethical and political values in our public culture while delivering complex and various verdicts on any given issue. As we have seen, the NBAC does this more so than the HERP. Second, public ethics bodies should show clearly how the religious considerations they survey work to support or undermine certain policy options. Again, the NBAC lays these out better than the HERP, but the NBAC does not make these considerations operative in its recommendations. Third, public ethics bodies should discuss religion with sensitivity to the ways that religious views might modify and challenge a secular consensus rather than merely overlap with it. Neither committee does this. Finally, public ethics bodies should envision a concrete role for religious organizations in the public dialogue. The NBAC suggests such a connection, but goes no further than to say that a national dialogue should occur.

We have encountered the first two ways of using religious arguments earlier in this chapter, but the third and fourth are new claims that require defense. I think the commissioners' intuitions are right that religion should be a part of the national dialogue on cloning and that religious views can play a valuable role in public bioethics. It is fair to surmise that the NBAC is wary of cashing out the religious perspectives to any significant degree because of the risks of bringing religion into political deliberation. Can religious views really have a place in the discourse of governmental institutions? Well, of course; they do in the NBAC report itself. More to the point: Can religious arguments appropriately be used as reasons for policy decisions? The four ways of employing religion I have just described violate neither constitutional principles regarding the separation of church and state nor the spirit of a liberal democratic society, properly understood.<sup>34</sup>

Note that these methods do not in fact seek to base a policy decision on religious reasons; they do seek to introduce the religious arguments that citizens themselves employ into the discussion and deliberation that lead to policy decisions. I hold, then, that there is a crucial difference between employing religious arguments as *resources* in policy making and using them as the *foundations* for



policy making. In using religious views as resources, public ethics bodies will be looking for ways that religious traditions can contribute to a public consensus in conjunction with secular approaches. They will also be looking for ways that religious traditions can enrich the ethical, scientific, and policy discussions.

The NBAC sought to do both,<sup>35</sup> although it was vague on what it found enriching for its own analysis in those religious interpretations. The commissioners might have made more explicit how some general trends in the religious traditions studied cohere with and support the recommendations they make. They might also have noted that the way they seek an overlapping consensus tends to put secular considerations in the driver's seat and that this approach has its limitations. Religiously motivated citizens have sometimes performed a valuable public service by challenging the reigning public consensus rather than simply supporting it to the extent that their views overlap with it.

One might respond that this request to make religious arguments operative is asking too much of the NBAC or any other public ethics body because they have a difficult enough time bringing together the diversity of ethical arguments into a coherent policy recommendation. Yet, by the same token, the commission asked a lot of the religious scholars who testified before it when it pressed them to translate their arguments into publicly accessible terms.<sup>36</sup> Courtney Campbell writes that those who testified faced the "translation" problem that generally confronts religious scholars' attempts to participate in a public policy forum. Their dilemma is whether to remain distinctive to their traditions and risk irrelevance or to attempt the translation and risk diluting the content of their tradition's wisdom. Campbell finds it unfortunate that the commissioners "continually invited the religious thinkers to delineate the significance of their claims about cloning for a public that did not necessarily share the belief system and narratives of a given faith tradition," because this invitation makes two mistakes—it presumes that there is a "public" with a settled consensus on values, and it "imposes a higher burden of relevance" on religious thinkers than on others.<sup>37</sup>

The religious scholars appearing before the NBAC did as well as they could to meet the challenge, but we should stop to consider what gets lost if everything a religious leader or citizen says in the public square has to be translated. My way of understanding the matter is as follows.<sup>38</sup> Religious groups and citizens contribute to society's common good in several ways. One is by offering intellectual resources to public debates. In this role, religious thinkers will want to make the most effort to translate, for they have to make their views at least intelligible (not necessarily reasonable) if they hope to influence political deliberation. Even so, there may be reasons they cannot or do not want to translate: Although a concept like human dignity conveys its meaning effectively in both religious and secular contexts, the concepts of proper stewardship and humility before the Creator will lose some of their meaning and power if translated to



a nonreligious context. I would not want to see a religious speaker's conceptual vocabulary reduced by the need continuously to translate for the sake of relevance.

Two other ways religious groups and citizens promote the common good are by creating conditions for social harmony through service and by promoting goods for persons and society that are neglected or marginalized in the political status quo. This last contribution is an aspect of religion's prophetic task. Here, again, religious groups may find that it advances their mission when they translate their language into publicly accessible terms, but they may also find that such translation attenuates the distinctive vision of the common good they want to present. In their prophetic role this is especially true. At the same time, my argument does not entail that prophetic discourse has only a critical and never a constructive task. Indeed, a religious group's efforts to foster public dialogue and draw out common values in the culture may be a prophetic act. As Campbell puts it:

Part of the prophetic task of the religious tradition is to enable the *discovery* of values that seem shared across the pluralism of a society's diverse moral traditions, and to participate in the *retrieval*, *selection*, and *interpretation* of such values as a basis for moral discourse among citizens. This was the force, I believe, of the recurrent religious appeal in the NBAC hearings to the "common good" in considering the ethics of cloning. . . .<sup>39</sup>

The implication for public ethics bodies is not that they should adopt the prophetic discourse of one or more religions but that they should acknowledge that religions contribute in more ways than by translating their ideas into secular discourse.

Public ethics bodies might serve the common good most effectively by promoting national dialogue, their contributions to which can include initiating public dialogue, synthesizing and expressing an operative public consensus, trying to create a public consensus, or feeding information and recommendations into a political body. Often an ethics body may have or take on several of these tasks, a situation that makes its job more complicated by giving rise to competing expectations on the public's part. Of course, it is much easier to synthesize a public consensus rather than to create one.<sup>40</sup> One cannot expect the NBAC to have done either in the 90 days allotted to it on an issue as new to the public as human cloning; one can only expect the NBAC to have initiated the public conversation that might lead toward eventual consensus.

To get to the point where a consensus could be synthesized, public ethics bodies should think about how a national dialogue can take place and how their own work connects to it. It is regrettable that the NBAC did not have the time to say more about how its vision of a national dialogue could proceed.<sup>41</sup> Clearly, this is a place where religious traditions can and should come into play. The NBAC made a significant contribution by inviting religious scholars to testify, commis-



sioning background studies on religious perspectives, and including a substantial chapter on religious views in its report. Like the NBAC, I affirm the valuable role religious organizations can play in promoting public education and national dialogue. As I have argued, at times their contribution will be to complement a public consensus and motivate their adherents to support it; at other times their contribution could be to challenge the current consensus or the reigning ideologies.

Religious institutions are already involved in the process of civic education on timely ethical issues: This occurs when ministers make applications to those issues from the pulpit; when the issues are discussed in adult religious education classes, the popular religious press, and other forums; when church bodies publish statements; and when para-church organizations mobilize their members to raise public awareness or create social change. In the case of cloning, a number of religious bodies issued public statements in the wake of the announcement about the cloned sheep, and we may imagine that various types of discussion have been occurring in churches around the nation.<sup>42</sup> Thus far, para-church organizations have not made human cloning a major focus of their efforts, except that religious (and nonreligious) pro-life organizations have been tracking the work of the NBAC and other government bodies.<sup>43</sup> Because the American public is just beginning to reflect seriously on cloning and related advances in biotechnology, the greatest need for religious groups is to promote reflection and to educate their members and the public about the underlying moral values and choices.

Public ethics bodies should consider formally involving religious institutions in the work of public education: Churches, seminaries, religious scholars, and the religious media could be very effective collaborators in this project. Public ethics bodies should call on churches as forums for educating citizens on scientific advancements and their ethical ramifications; they should think explicitly about churches as one type of public forum whenever they develop materials that get distributed to community organizations. Ethics bodies might work with religious institutions to improve the "ethical literacy" of the public.<sup>44</sup> As for the specific methods, a starting point could be for the President to ask the National Institutes of Health to create an initiative that engages religious and other community leaders in a collaborative effort at public conversation and public education on bioethical issues. President Clinton's Initiative on Race might serve as a model or a starting point for thinking about the benefits and drawbacks of a bioethics initiative.<sup>45</sup>

Finally, we should not overlook the fact that use of religious argument might influence policy making in some constructive ways. The NBAC's consideration of religious views filtered into deliberations in the United States Congress, particularly when Senator Bill Frist organized a hearing before the Committee on Labor and Human Resources, Subcommittee on Public Health and Safety, entitled "Ethics and Theology: A Continuation of the National Discussion on Human



Cloning.”<sup>46</sup> This is one example of how government bodies can employ religious perspectives and arguments as resources in their deliberations. For all the reasons discussed in this chapter, it is appropriate that religious perspectives should have a voice in the political forum as well as the broader public forum.

We cannot expect the process of a national dialogue to be easy. Before we get to consensus, we have to expect confrontation, a confrontation fueled in part by religious groups acting in their prophetic role. Given how often citizens with strong religious convictions are dismissed as unreasonable and an obstacle to policy making, I hope this chapter has succeeded in showing how religious groups can play a constructive role in public policy. It would be misguided, however, to look to religion only when it can play that supportive role; one of my arguments has been that religious groups contribute to the common good even when they call technological progress into question. Public ethics bodies will best contribute to public education and genuine public deliberation if they do not try to keep the controversial arguments to the side by appealing to procedural strictures.

The common good approach to public conversation that I have laid out proposes that substantive arguments, even religious ones, have an important role in public conversation and political deliberation. This model has a better chance than its procedural or deductivist competitors of meeting the challenges that face public ethics bodies and the public as they try to weave a way toward consensus.

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